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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re S.P., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

S.P.,

Defendant and Appellant.

A155018

(Napa County
Super. Ct. No. 20173546602)

S.P. appeals following her admission to a single count of violation of Health and Safety Code section 11550. Her court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

On July 4, 2018, a Napa police officer was summoned by S.P.'s mother to the family home. Her mother suspected S.P. was under the influence of some toxic substance, and the officer's evaluation of S.P. led him to place her under arrest. S.P. spontaneously told the officer she had smoked methamphetamine just about every day for two years, and last smoked just five hours before he arrived at her home. The officer

charged S.P. with a single violation of Health and Safety Code section 11550, being under the influence of a controlled substance, and following a medical evaluation she was booked into juvenile hall.

S.P. was ordered detained in juvenile hall throughout the proceedings. She admitted the allegations of the petition at the jurisdictional hearing. The court ordered that she serve 22 days in juvenile hall with credit for 22 days she served prior to disposition, and she was released on probation to the custody of the probation department with “contemplated placement to be in the home of [her] mother.”

The juvenile court was concerned that S.P. was using her cell phone to obtain drugs and imposed a 90-day electronic search condition that expired by its own terms on October 24, 2018. The search condition allowed probation officers to search the areas of “electronic devices where evidence likely to reveal criminal activity or probation violations may be found.”

Following disposition, the juvenile court reconsidered and struck a \$50 fine it had imposed pursuant to Welfare and Institutions Code section 730.5. S.P. appealed.

DISCUSSION

We have no reason on this record to question the sufficiency or legality of S.P.’s admission to a violation of section 11550. Her agreement appears to be intelligent and voluntary. The disposition was proper and within the range of the discretion afforded the juvenile court.

While there could be some question of the validity of the electronic search condition of probation, it has expired and any challenge to its legality is now moot. (See, *People v. Moran* (2016) 1 Cal.5th 398, 408, fn.8.) Moreover, our Supreme Court is currently considering the validity of electronic search conditions in a variety of factual settings. (See, e.g., *In re Ricardo P.* (2015) 241 Cal.App.4th 676, review granted Feb. 17, 2016, S230923; *In re Patrick F.* (2015) 242 Cal.App.4th 104, review granted Feb. 17, 2016, S231428; *In re Alejandro R.* (2015) 243 Cal.App.4th 556, review granted March 9,

2016, S232240; *In re Mark C.* (2016) 244 Cal.App.4th 520, review granted April 13, 2016, S232849; *In re A.S.* (2016) 245 Cal.App.4th 758, review granted May 25, 2016, S233932.) We will not exercise our discretion to address the issue.

Our full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, P.J.

WE CONCUR:

Fujisaki, J.

Wiseman, J.*

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* Retired Associate Justice of the Court of Appeal, Fifth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.